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LAW DEPARTMENT

NOTIFICATION

The 7th January 2009

No. 419/I-Legis.-11/08—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 27th December, 2008 is hereby published for general information.

ORISSA ACT 2 OF 2009

THE UTKAL UNIVERSITY OF CULTURE (AMENDMENT) ACT, 2008

AN ACT FURTHER TO AMEND THE UTKAL UNIVERSITY OF CULTURE ACT, 1999

BE it enacted by the Legislature of the State of Orissa in the Fifty-ninth Year of the Republic of India, as follows:—

Short title. 1. This Act may be called the Utkal University of Culture (Amendment) Act, 2008.

Amendment of section 10. 2. In the Utkal University of Culture Act, 1999 (hereinafter referred to as the principal Act), for sub-section (4) of section 10, the following sub-section shall be substituted, namely :—

“(4) The Vice-Chancellor shall visit and inspect institutions maintained by or affiliated to the University at least once in three years.”.

Amendment of section 11. 3. In the principal Act, in sub-section (1) of section 11, for the words “appointed by the State Government”, the words “appointed by the Chancellor” shall be substituted.

Orissa Act 9 of 1999.

Amendment of section 12. 4. In the principal Act, in section 12,—
(i) in the marginal heading, for the words “The Finance Officer”, the words “Comptroller of Finance” shall be substituted ; and

(ii) for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) The Comptroller of Finance shall be appointed by the Chancellor in consultation with the State Government from among the officers of the Orissa Finance Service and shall be a whole time officer of the University.”.

Amendment of section 13. **5.** In the principal Act, for sub-section (1) of section 13, the following sub-section shall be substituted, namely :—

“(1) The Controller of Examinations shall be appointed by the Vice-Chancellor, on the recommendation of a Selection Committee consisting of the Director of Culture, Orissa, the Registrar of the University, one member nominated by the Board and two experts nominated by the Vice-Chancellor, shall be a whole-time officer of the University.”.

Amendment of section 17. **6.** In the principal Act, for clause (o) of sub-section (1) of section 17, the following clause shall be substituted, namely :—

“(o) two persons of academic eminence nominated by the Chancellor.”.

Insertion of a new section 42-A. **7.** In the principal Act, in Chapter VIII, after section 42, the following section shall be inserted, namely :—

“Supercession of authorities and taking over management. **42-A.(1)** If the State Government, after making such enquiry as they deem fit, are satisfied that the management of the University has not been or cannot be carried on in accordance with the provisions of this Act or that there has been such default in the performance of its duties by any of the authorities of the University that the administration of the University is not likely to promote its objective, they may, after consultation with the Chancellor, by an order notified in the Gazette (hereinafter referred to as the notified order) take over the management of the affairs of the University and appoint an officer to be the Administrator for the University.

(2) The notified order shall remain in force for such period, not exceeding one year, as the State Government may specify therein.

(3) A copy of every notified order shall, as soon as may be after it is issued, be laid before the State Legislature.

(4) Upon issue of the notified order under sub-section (1),—

(a) the authorities of the University shall be deemed to have been superseded and the members thereof holding office immediately before the issue of the notified order shall be deemed to have vacated their offices as such ;

(b) the Vice-Chancellor shall be deemed to have vacated his office as such ;

(c) the powers and functions of the authorities and the Vice-Chancellor shall during the operation of the notified order, be exercised and performed by the Administrator ;

- (d) the Administrator shall for the purpose of signing the Diplomas granted by the University, be designated as the Vice-Chancellor thereof ;
- (e) every person ceasing to hold office as aforesaid and having possession, custody or control of any property of, or any books, documents or other papers relating to the University shall deliver the property, books, documents and other papers to the Administrator or to such person as may be authorised by the Administrator in this behalf ;
- (f) the State Government may take all necessary steps for securing possession of the properties, books, documents and other papers as aforesaid.

(5) No person, who ceases to hold office by reason of the issue of a notified order, shall be entitled to any compensation for the loss of office.

(6) The Administrator shall take all necessary steps for the reconstitution of the authorities and for the appointment of the Vice-Chancellor so that the member of the said authorities and the Vice-Chancellor can assume office upon the expiry of the notified order :

Provided that, notwithstanding anything contained in any other provision of this Act, the State Government may, in consultation with the Chancellor, appoint the officer acting as the Administrator to be the Vice-Chancellor of the University with effect from the date of expiry of the notified order for such term not exceeding three years as they may fix.

(7) All elections, selections and nominations for the purpose of reconstitution of the said authorities shall be held in advance in accordance with the provisions of this Act and Statutes and all persons who are to take part in any such election, selection or nomination by virtue of holding office as member of any authority shall, notwithstanding the fact that they have not assumed such office, be eligible to take such part.”.

General
amendment.

8. In the principal Act, for the words “Finance Officer” wherever they occur, the words “Comptroller of Finance”, shall be substituted.

By order of the Governor
 B. K. NAYAK
 Principal Secretary to Government